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Attorney General, Legislators Propose Strengthening Nuisance Abatement Program Legislation increases efforts to protect families, clean up neighborhoods

Wilmington – The Delaware Department of Justice will have enhanced powers to shut down more crime-ridden properties that are a nuisance to the local community under legislation Attorney General Beau Biden and state lawmakers unveiled today.

Senate Bill 65, sponsored by Sen. Patricia Blevins, Rep. Helene Keeley and Rep. James J. Johnson, will expand and strengthen the Department’s Nuisance Abatement Program. Biden first worked with the General Assembly to pass legislation beefing up the program shortly after taking office in 2007. Since then, the Attorney General’s Office has used its abatement authority to rehabilitate more than 140 properties and place 400 on its watch list. Under the Program, property owners who permit drug and vice crimes to occur on-site are given the choice of voluntarily cooperating to clean up the illegal activity, or being forced to clean up the crime by court order.

“The Nuisance Abatement Program has proven to be a powerful weapon against crime-invested properties that destabilize neighborhoods and threaten public safety,” said Attorney General Biden, who recently announced the closure of a Middletown nuisance property that was the site of an open-air drug market. “Expanding our Nuisance Abatement Act to cover additional offenses and increasing penalties for allowing crime to occur on-site will allow us to shut down and clean up even more properties that are havens for criminals.”

“Our nuisance abatement law has done some good, but real world experience has shown us where there’s room for expansion and improvement,” said the bill’s sponsor, Senate Majority Leader Patricia Blevins, D-Elsmere. “The changes we’re proposing here will both clear up some questions about how the law is applied and will give us a more effective tool to help us as we work to protect and rebuild our neighborhoods.”

“It is a travesty when a little boy or girl cannot play outside because they are held hostage by a criminal who has set up shop on their block,” said Elder Tyrone Johnson, Chairman of the Interdenominational Ministers Action Council. “This is another tool that will empower law enforcement and empower the community.”

Specifically, Senate Bill 65 amends the Drug Nuisance and Social Vices Abatement Act by:

- Expanding the criteria used to declare a property a nuisance to include gun crimes, gang activity, high levels of violent crime and other offenses that injure a community.
- Allowing the Court to consider factors such as increased calls to police, decreased property values and residents' fear of being outside in public places.
- Increasing the civil penalties for owners of nuisance properties to more accurately reflect the damage the criminal activity does to the community.

Rep. Helene M. Keeley, whose district includes much of downtown Wilmington, said that the legislation would be an important part of fighting crime by shutting down drug houses and other dangerous properties. "Our neighborhoods have been dragged down by these drug houses," said Keeley, D-Wilmington South. "Ridding our communities of them is critical to restoring safety and pride to the neighborhoods. This legislation will allow us to fight drug dealers at another level, by taking away their base of operations. We need to send a message that we won't tolerate this type of behavior in our community."

Rep. James "J.J." Johnson said he hears concerns from residents at nearly every civic association meeting about a nuisance property. Senate Bill 65 would help address many of those concerns. "Residents feel like they are being held hostage by these properties," said Johnson, D-Jefferson Farms. "It brings down their quality of life and makes their neighborhoods more dangerous. People look to their elected officials and law enforcement to protect them from these types of nuisance properties, and that's what we're trying to do today."

Rep. John C. Atkins has followed the original nuisance abatement law through the entire process, from initial drug bust and arrest to court proceedings to boarding up the property. Last fall, the Department of Justice secured two permanent closures of nuisance properties in his district. He said that broadening the powers of this law will have a very positive impact on the community. "People with those types of houses in their neighborhoods live in fear of retaliation if they complain. They live in fear of their kids getting shot or hurt," said Atkins, D-Millsboro. "They want to live in a nice, clear community, just like all of us. This bill will help all Delawareans take pride in their communities again."

The Nuisance Abatement Program is a key component of the recently announced plan to target high crime areas across the State, starting with the City of Wilmington. The Attorney General's Office created a specialized Wilmington Unit of eight prosecutors dedicated full-time to prosecuting crimes committed in the City. One of those prosecutors will focus solely on shutting down nuisance properties.

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